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THE RHODES-LIVINGSTONE JOURNAL
NUMBER THIRTEEN

HUMAN PROBLEMS IN BRITISH CENTRAL AFRICA

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JOURNAL OF THE RHODES-LIVINGSTONE INSTITUTE

HUMAN PROBLEMS IN BRITISH CENTRAL AFRICA

Contents No. 11

J. A. Barnes : *History in a Changing Society.*
E. Colson : *The Role of Cattle among the Plateau Tonga.*
G. Cooper : *Village Crafts in Barotseland.*
A Rhodes-Livingstone Institute Research Team : *Reading Habits in a Part of the Mushiri Reserve.*
C. M. N. White : *Modern Influences upon an African Language Group.*
Notes and Reviews.

Contents No. 12

Max Gluckman : *The Origins of Social Organization.*
Otto Klineberg : *Race Differences : The Present Position of the Problem.*
J. Clyde Mitchell : *A Note on the Urbanization of Africans on the Copperbelt.*
A. Epstein : *Some Aspects of the Conflict of Law and Urban Courts in Northern Rhodesia.*
E. Colson : *Residence and Village Stability among the Plateau Tonga.*
J.C.M. : *Report of a Conference on Social Welfare held at Mindolo Mission on 26 and 27 May* 1950.
Reviews

The Journal of the Royal Anthropological Institute of Great Britain and Ireland

Vol. LXXXI, Parts I and II, 1951

Some Features of Nuer Religion	Professor E. E. Evans-Pritchard, M.A., PH.D.
The Comparative Method in Social Anthropology	Professor A. R. Radcliffe-Brown, M.A.
The Structural Implications of Matrilateral Cross-Cousin Marriage	E. R. Leach, M.A., PH.D.
The Ape or *the* Ape	Professor S. Zuckerman, C.B., F.R.S.
Tobacco in New Guinea and the other areas of Melanesia	A. Riesenfeld, PH.D.
Marriage and Family in the Dedza District of Nyasaland	Lucy P. Mair, M.A., PH.D.
A Transitional Industry from the Base of the Upper Paleolithic in Palestine and Syria	Professor Dorothy A. E. Garrod M.A., D.SC., F.S.A.

Minutes of the Annual General Meeting.
Reports of the Council and the Honorary Treasurer
The Wellcome Medal for Anthropological Research.

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ELIZABETH COLSON and MAX GLUCKMAN

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CONTENTS

(Articles and reviews express the personal views of the authors)

e Role of African Courts in Urban Communities of the Northern Rhodesia Copperbelt
by A. L. Epstein 1

n Estimate of Fertility Among Africans on the Copperbelt of Northern Rhodesia
by J. Clyde Mitchell 18

oking Back
by J. M. Winterbottom 30

e Use of Social Case Drama in Training African Social Workers
by H. H. Ferreira 35

te.—New appointments to the Rhodes-Livingstone Institute search Staff. 41

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THE ROLE OF AFRICAN COURTS IN URBAN COMMUNITIES OF THE NORTHERN RHODESIA COPPERBELT*

by

A. L. EPSTEIN

THE growth in Northern Rhodesia of large multi-racial communities has been made possible by the development of the copper mining industry over the past twenty years. Some intermittent attempts to work a concession at Bwana M'kubwa, near Ndola, had been made from early in the century, but it was not until 1927 that at last it became possible for modern industrialists to exploit the mineral resources of the area now known as the Copperbelt.[1] Townships sprang up immediately, and the population grew rapidly. This movement was halted for a time by the world depression,[2] the effects of which led in 1931 to the closing of all but the Roan Antelope and the Nkana mines, but since about 1936 the total population, African, European, and Asiatic, has increased swiftly and steadily. To-day this population may be estimated very roughly at 200,000, of whom 178,000 are Africans.[3]

This development has been accompanied at every stage by the rise of various secondary industries, the growth of commerce, and the expansion of legal and administrative services. In a word, we find here all the activities which are associated with urban populations the world over.

There is then in this situation a field of social relations in which Africans, Europeans, and, to a lesser extent, Asiatics, are constantly interacting and mutually influencing one another. This poses a number of problems for the sociologist. Here I treat one—the

* The material for this paper was collected during the period June 1950-July 1951, when I was engaged in research for the Colonial Social Science Research Council. The present paper is part of a further study which I have submitted as a Report to the Council.

[1] The Copperbelt is limited for the main part to a narrow strip which extends from the railway at Ndola, westward some 200 miles along the border of the Belgian Congo. Here I employ the term to cover the urban districts of Chingola, Chitwe, Luanshya, Mufulira and Ndola. Ndola itself is not a mine township, and does not fall within the ' Copperbelt proper ', but it forms the administrative and commercial centre for the area.

[2] 'Already in 1931, and still more so in 1932, emigration (of Europeans) considerably exceeded immigration, owing in part to the completion of construction in the mines, but mainly to the fall in the price of copper '. Kuczynski, *Demographic Survey of the British Colonial Empire*, London : Oxford University Press (1949), ii, p. 419.

[3] *Northern Rhodesia Government Annual Report African Affairs* (Western Province), 1950, Lusaka : Government Printer.

problem of law, the way in which disputes arise and the means b which they are settled. For ever present in this situation is t possibility of ' conflict of interest ', not only because it is a mul racial one, but because such conflict is implicit in every system social relations.[1]

' Conflicts of interest ' operate not merely across, but al within, colour lines. In this paper I confine myself to a considerati of disputes arising between urban Africans, and in particular those which come before urban Native courts. I ' isolate ' in th way for convenience of study, but it is basic to my analysis that th ' isolation ' is made possible to a large extent by the dualism whic exists within the legal structure of the Territory. Everyone, irrespe tive of colour or creed, is subject to the laws in force in the Territor and to the jurisdiction of its courts. However, by virtue of th Charter of the British South Africa Company, 1889, it is provide that in ' the administration of justice to the (indigenous) inhabitant careful regard shall always be had to the customs and laws of th class or tribe or nation to which the parties respectively belong In pursuit of this policy the High Court Ordinance (s.17) lays dow that the ' High Court may enforce the observance of any Nativ customary law . . . such Native customary law shall be deeme applicable . . . particularly . . . in civil causes and matters relatin to marriage under Native customary law '. This raises no grea difficulties in itself. In handling cases in England itself, cour constantly uphold claims which are based on customs specific t some area or locality, or are established as the practice in a particula trade. Since 1930, however, Native Authorities, with which ar associated Native courts, have been recognized in all tribal area and all Africans are subject to their jurisdiction. Law and jurisdictio exist therefore in two distinct but interlocking systems. It follow that the European who has been wronged by an African may hav a remedy before a European court, whereas the African who ha been injured by a European's breach of some African customar norm has no claim either before a European or an African cour since the latter are proscribed from hearing cases in which non Natives are involved.

Such a form of ' legal segregation ' may give rise to cases o hardship, and possibly a sense of grievance on the part of th African. Its significance in the present context is that it makes plai certain assumptions which underlie administrative policy toward Native courts. To grasp these assumptions is fundamental to a understanding of the urban courts system because they have hithert been accepted by the Administration as equally valid for rural an urban areas. They have determined the present organization an

[1] I speak here of ' conflict of interest ' rather than of ' conflict ' since th latter term refers more properly to the lines of cleavage operating within th structure as a whole. Conflicts of interest may be an index or reflection of such ' conflict ' in this wider sense.

nstitution of the urban Native courts, and coloured the Administration's view of the function that these courts should serve.

Urban Native courts were established by Government a little ore than ten years ago, and since then most disputes between ban Africans, which might otherwise have had to come before ropean magistrates, have been dealt with in these courts. Their ace within the legal structure of the Territory is defined by the ative Courts Ordinance (Cap. 158, No. 10 of 1936), which provides r the organization, composition, jurisdiction and powers of Native urts throughout the Territory. Although urban courts are stablished ' in contradistinction to Native courts in tribal areas, hich are said to be ' recognized ', nevertheless both types stand on the same legal footing. The urban court is regarded, at most, a variant form of the indigenous model, and not as a court of a mpletely different kind.

This is seen most clearly if we consider for a moment the way in hich court members are appointed. Before the establishment of e courts there was much discussion of this question among dministrative Officers. One view put forward was that the judges ould be selected and appointed from amongst those Africans ready resident in the towns. Only thus could the urban African e encouraged to regard the conduct and social life of Africans in ese new communities as his own responsibility. The other point view, which has hitherto prevailed, was that the primary points of olitical reference for the African, whether he lived in a close-knit nship system, linked to the soil, or in the loose-knit agglomeration a town, were still tribe and chief. His behaviour was still to be garded as regulated by tribal principles of law and morals, which ould be invoked to settle the disputes brought before an urban court. erhaps the point should not be pressed too far. There was never ny suggestion that customary law must not be allowed to develop. ut the theme which recurs constantly in discussions affecting the evelopment of the urban courts system is the need to maintain a alance between customary law in the rural and the urban areas. was said that native law must adapt itself to meet the needs of ew conditions, and therefore it must change; but change must ways proceed from the fountain-head. The principle adopted in ppointing court members conformed with this point of view. In eneral, court members are appointed from those tribes whose people e thought to predominate in a particular area. Their selection rests ith the Native Authorities of the tribes concerned. A rule that ourt members must retire from their posts at the end of a six-year eriod, and be replaced by other nominees of the Native Authorities, mphasises further, the close association of urban courts with the ibal system.

The assumption that customary law is able to cope with the type f problem posed by the urban situation also affects the view taken f the function that urban courts should serve. One illustration is

sufficient for my purpose. In 1944, Administrative Officers on th Copperbelt considered a proposal to establish a Native Court Appeal for the five urban districts. In a minute on the subject t the Senior Provincial Commissioner, Western Province, the Actin Chief Secretary pointed out that there was a constant danger urban courts developing and applying a law which was neith English common or statutory law, nor customary law. He co sidered, therefore, that such a court would be more satisfactory composed of all the members of the tribe concerned in the disput rather than members of mixed tribes, as in the Native urban cou of first instance, where disagreement as to the true custom mig well produce some new decision quite at variance with the gener tribal custom, and thus inevitably establish new law. In oth words, it is the task of urban judges to administer establish customary law, not to change it.

These assumptions can best be considered by examining the ro which the courts play in the urban community. I propose to do th by use of the case-method. The chief merit of this method for t lawyer is that it enables him to discover the sets of legal princip which underlie judicial decisions on diverse, and apparently discre social situations. The fire which accidentally spreads and bur down my neighbour's house, the pet monkey which escapes and bit a passer-by, or the cistern which overflows and causes damage people in the flat below, are, on the surface, disparate phenomen but they may yet be subsumed under some common principle liability. For this reason, to quote Hoebel, ' the study of primiti law must draw its generalizations from particular cases—cases be dissected and analysed into their principles '.[1] Furthermo where the doctrine of precedent prevails, as in the Anglo-Americ system, cases become guides to decision, both for judges and li gants. For the sociologist, on the other hand, the case method h wider significance. It provides him with the framework of relatio ships within which disputes arise and the types of situation whi produce conflict in a given community. Further, by following t way in which these disputes are settled he gains insight into the pla of judicial bodies within a power structure.

I take as my point of departure a matrimonial case, heard Ndola, since cases of this type are among the most numerous come before the urban courts. The parties, who are both Bemba, a Mangaleti, who seeks a divorce from her husband, Cewe. T plaintiff is accompanied by her father, Peter Mwamba. When t case is called she enters the witness box and gives her stateme standing :

> While we were still at home in the village, my husband wanted to have grandmother sent to prison because I had not come to join him quickly

[1] Hoebel : ' Fundamental Legal Conceptions in Primitive Law,' 51 Y Law Journal, pp. 951-66.

Ndola where he was working. He sent a letter to Chief Munkonge to say that the Chief should have my grandmother arrested because she was the one who was preventing me going to join him in the town.
When I came to live here my husband would give me 20*s*. out of his earnings. But after I had taken only a shilling to buy relish he would come and take the rest of it off me and spend it on beer. One day my mother took the 20*s*. which he had given me, and I used some of it to buy two dresses. I put the dresses away in the hut, and then when I came back later, I found that he had burnt them. I said nothing about it at the time.
On another occasion he cursed my mother, yet since he married me I have never cursed his mother, nor his people. My mother had been helping us, by nursing my child, and when she went away he started to complain that I should not allow my mother to handle the child, or one day I would be left holding a corpse in my hands. ' I don't want you to let her nurse the child again ', he said. That is why, you Chiefs, I want this marriage to be dissolved to-day. Otherwise he will finish up by killing me or even the child.

This concludes the plaintiff's statement. The court asks no questions, but calls upon the defendant :

As to what my wife says, I do not deny it. I took my parents-in-law before Adam Frog at the Location Court [1] to know why they were troubling me so because I could see that they wanted to snatch away my wife from me.

Peter Mwamba, the girl's father, then gives evidence :

When my son-in-law arrived in Ndola I welcomed him most warmly. I said my son-in-law has come from the village, and I took a hen and killed it for him, for that is how we show respect to a relative by marriage. He stayed with us for two months and I looked after him properly. Then he sent a letter to Chief Munkonge that the girl's grandmother should be arrested because the girl was still in the village. When she arrived in Ndola she was pregnant, but her husband did not control himself. He was fornicating with every girl that he saw. So you see this child is a great sinner among men.[2] However, through the power of God, my daughter bore a child, and we took it to the Church to have it baptized. When the husband heard of this he wanted to go straight away to the (Police) Charge Office to complain that we had baptized the child without telling him.[3] I went and saw him at his house and told him that I knew all about his ' goings on ' at home, and that he was a wicked man.
Another day he brought our daughter to us saying ' Take your child. I don't want her '. But she refused and said she still wanted her husband. Then he gave her £2 and her mother took £1 of the money he had given his wife. His wife went to the stores to buy two dresses, but when she got back he became furious and said : ' No, you had only £1. There's no person who can buy two dresses for £1.[4] He took the dresses, tore them up and burnt them because of his jealousy.

This concludes the statements of the parties, each of whom is now examined by the court members. The President, Malubeni, questioned the defendant :

[1] This is an informal court composed of Tribal Elders or Tribal Representatives and presided over by the African Location Supervisor.

[2] This refers to the Bemba belief that if the husband of a pregnant woman commits adultery his wife is likely to die in labour.

[3] I omitted to find out if Cewe was a pagan. Mwamba was a staunch Roman Catholic.

[4] The implication is that the woman had a lover.

Q. ' Where were you married? '
A. ' It was at home in the village.'
Q. ' And how many years have you lived together? '
A. ' Just one.'
Q. ' How many children have you? '
A. ' We have only been married for a year.'

The President now addresses the girl :

Q. ' So when he receives his wages he doesn't give you anything, is that it
A. ' No, he doesn't show me a thing. He only gives me a pound, all which is ration money.'
Q. ' How many times has he given you that? '
A. ' Four times, but it is only ration money.'
Q. 'And was the marriage registered in the Court? '
A. ' Yes, it was registered at home (in Bembaland).'
Q. ' You say that he took all this money and spent it on drink? '
A. ' No, I can't say that he spent it all on drink.'
Q. ' This marriage was contracted in the village, isn't that so? How th can it be dissolved here when there are those marriage certificates
A. ' No, I want it to be dissolved, that's all. It doesn't matter about t certificates.'
Q. ' Would you not prefer us to advise him on how a husband shou behave, so that he may learn to mend his ways? '
A. ' He will never change, my Chief.'

A second court member, Abraham, who is of the Nsenga trib takes up the examination :

Q. ' Speaking for myself, I don't know what annoys him that he shou swear at your parents. Tell me, is it during the day or at night th he curses them? '
A. 'Ala (an explanation of surprise)—only during the day.'
Q. 'And were there no people about to advise him against such disrespe ful conduct? '
A. ' No, nobody.'
Q. ' About the dresses he burnt, where are they? '
A. ' There's nothing left of them. We threw them out.'

To the husband :

Q. ' Why did you burn the dresses? '
A. ' Because she does not appreciate what I do for her. I gave her moth 15*s.* and one pound to my wife.'
Q. ' Yes, but what made you burn them? '
A. ' There was good reason.'
Q. ' Was it because you gave her the money and then found the dres in the house that made you get angry? '
A. ' Yes, the money that I gave her was far too small for her to ha bought the dresses, and that made me angry.'
Q. ' Very well. Now, since this is a village marriage what do you say this matter? '
A. ' For myself, I say she is my wife.'
Q. ' Since you have been here in Ndola, how much have you given yo parents-in-law? '
A. ' I have given them one pound.'
Q. ' And your mother-in-law visits your house? '
A. ' Yes, she's never out of the place.'
Q. ' Who is the one then who is creating difficulties in your marriage'
A. ' It's my father-in-law.'

Peter Mwamba is recalled, and questioned by the President :

Q. ' Now, these are your children who have brought this case here. Where were they married? '
A. ' It was at the village.'
Q. ' Is this young man well-known to you? '
A. ' Yes, he is a son of Chifulo who is a real " citizen " ' (i.e., a man of renown throughout the country).
Q. ' Did you give him a fitting welcome when he arrived from home? '
A. ' Yes, I even killed a hen for him at the time.'
Q. ' Well then, what are you going to do in this matter since it is a village marriage? '
A. ' No, that is not important. Let them be divorced this very day.'
Q. ' But what about the certificates? What are you going to do? '
A. ' Since I was not responsible for the marriage I don't care.'[1]
Q. ' Would it not be better if we instructed him so that he ceased to be disrespectful? '
A. ' This is really a matter for themselves. If they want to be advised you can advise them.'

(To both parties).

' Listen, we wish to advise you both so that you will never quarrel together.'

(Plaintiff).

' He won't mend his ways, my Chief.'

(To defendant).

Q. ' Since your father-in-law says the marriage should finish, what are you going to do? '
A. ' No, it can't finish at all. He hasn't the power to " cut " my marriage.'

(Court members in unison).

' You are a most wicked fellow. For it is just the parents of the girl who have the power to " cut " your marriage. We see now that you are completely stupid, and you must not behave like this again. We find that you, young man, have done wrong, and you will pay 30*s.* altogether. First of all you will give your wife £1 as compensation because you destroyed her dresses, and you will pay 10*s.* to the court. If you refuse you will go to prison for fourteen days. Finally, we are warning you that you must learn to honour your parents-in-law and treat them with great respect.'

Let us consider now the procedure adopted by the court in ndling this dispute. The first point to notice is that the facts in ue are presented to the court by way of statement, and not, as English law, by way of examination. Each party is allowed to eak at length, without interruptions from the Bench. In this rticular instance the issues upon which the court is called to decide stated quite clearly. The plaintiff, Mangaleti, makes a number complaints of substance against her husband on the grounds of ich she claims a divorce. She is supported by her father, who borates on the unsatisfactory conduct of his son-in-law. The sband, for his part, does not dispute the facts, but charges the her-in-law with trying to ' snatch ' his wife from him. He claims

[1] The marriage arrangements were conducted in Bembaland by members the girl's matrilineal kin.

that Mangaleti is still his wife, and denies that her father has power to ' cut ' their marriage. In other matrimonial cases issues are not always stated so precisely. Very often the part are not even seeking a legal remedy in the strict sense, but ha approached the court in the same way that a couple in this coun might attend a Marriage Guidance Council

The procedure of urban courts follows largely from the fact th the litigants are never represented by advocates, or other individu learned in the law, and this in turn stems from the ' uncomplicate structure of Northern Rhodesia tribal society. I can make my po clearer if I refer briefly to the practice that obtains in our o legal system. In this system, when two persons engage in litigati the whole matter is conducted from the start by professional lawy who represent each party. During the preliminary stages, coun exchange documents—technically known as ' pleadings '—wh advise the litigants of the case each must be prepared to meet. extraneous elements are pruned away, so that when the case eventua comes up for hearing, counsel is able to present the legal iss involved in a clear and simple fashion, on which the court proce to hear argument. Thus, in the type of case I have quoted, procedure would be somewhat like this. English law allows divo on a number of specified grounds only. Therefore the petitio would have to establish that the charges she laid against her husba could be comprehended within one or other of these grounds divorce, as defined by law. If the husband wished to resist the s either he would deny the charges against him, or he would ar that, even if the facts alleged against him were true, still they not fall within any of the categories which would entitle his wife a divorce. English legal procedure is dominated by a concept of the litigants as right-duty bearing units. The court reache decision by adjudicating between conflicting claims which presented in terms of rights and duties.

I began my discussion of the case of *Mangaleti* v.*Cewe* by point out that here the legal issues are fairly clearly defined. Yet approach of the African court differs markedly from its Eng counterpart. When the urban court has elicited the facts it d not attempt to fit them into defined legal categories. Of cou the right-duty relation is present as a core of the case, but the c is more concerned with the wider implications of the relations which link husband and wife, son-in-law and parents-in-l First of all, the court satisfies itself that the marriage relations was properly established. In this connexion the length of time couple have been together, the number of children they have produc the registration of the marriage with the Native Authority, are relevant. At length the court turns to an examination of the mu relationship between the litigants. By careful questioning and pr ing it seeks to discover where the source of tension lies. Does husband give his wife money for herself when he draws his wage

:s he waste it all on beer ? Is he fulfilling his legal and moral igations to care for her properly? Of what significance is the e's complaint that Cewe cursed her parents? Was it during the ' (implying publicity), or were the curses uttered jokingly in the macy of the marriage bed? Here the yardstick against which :aviour is measured, and responsibility indicated, is that of ' the rmative man '. To every social situation, to every social relation-p, society ascribes certain norms of behaviour which define the de of conduct that the parties to a given relationship may reason-y expect from one another. Thus, it is important for the examina-n of the relations between Cewe and his father-in-law, to discover ether both acted according to the norms appropriate to their ationship. What presents had Cewe made to his father-in-law ce coming to Ndola? Was he on ' proper ' terms with his ther-in-law? Again, did Peter Mwamba give a fitting welcome to son-in-law on his arrival from the village? In order to impress court with his own rectitude Mwamba himself had described in his tement how he received his son-in-law, adding significantly that it was the customary form of showing respect to a relative by rriage.

I have been discussing this case so far purely in terms of procedure. owever, my concern is not procedure as such, but the light that a scussion of procedure throws upon the role of the urban courts. rtain obvious features at once distinguish an urban from a Native thority court. For example, no chief is associated with the oceedings, though court members, as this case shows, may be ferred to by the title ' chief '. Consequently, the royal or chiefly lute is never given. Again, parties do not squat during the arings of their case, but give their evidence from a witness-box, d so on. Yet, on the surface, the court handles the case in the ditional manner. When the court members ask whether it would t be preferable to give the party at fault a lecture on how to nduct himself in the future, they show that they still conceive eir task in traditional terms. Gluckman's statement for the ozi [1] is apposite here :

> The judges are not only concerned to define the legal rights and duties of the *personae* involved, which are almost invariably well known, or even their application in a particular case. (Judge) Imandi's reprimand in Mahalihali's case, ' we are moulding peace among you ', sums up the judicial task. To reconcile the parties by getting wrongdoers to see the error of

[1] Professor Gluckman has kindly allowed me to read in manuscript his ok on *Law and Ethics in Lozi Social Structure* from which this, and other ssages, are quoted. In this book he develops the importance of ' the reasonable an ' as the core of African law, a point which has previously been overlooked. e points out that Lozi judges assess the behaviour of litigants against standards ' the reasonable and customary behaviour of specific social positions '. I m this up here as ' the normative man '.

their ways so that in the future all may live together in ami
requires that judges themselves take into account ethical ide
as well as legal rules.

Gluckman stresses that Lozi judges can and do distingu
between ethical and legal rules. I believe that this also holds t
for urban court members. The son-in-law Cewe is penalised by t
court for destroying his wife's dresses. His behaviour towards
father-in-law is equally, if not more, blameworthy, but the court
content to warn him, to instruct him in the norms appropriate to t
relationship. In this sense, the court is more than a repository
the law, it is also the guardian of public morals.

A second case of divorce heard at Mufulira will help to make
point clearer. In this case it was the husband who sought a divor
for reasons which in my record remain vague. Later under examin
tion, he admitted that he was tired of his wife because she w
always bringing him before the court for his innumerable adulteri
The court delivered the following judgment :

> Go now with your wife. If you marry another woman we will refuse
> register the marriage because you trouble us greatly. Why do you beha
> (towards women) as if you were the only man here in Mufulira? Ev
> single day you are involved in cases of adultery, as though this were yo
> work. If you are involved in another case we shall fine you most heav
> That is all. We do not want you to divorce your wife. You don't seem
> appreciate that your wife is a very sensible (i.e., reasonable) woman beca
> she was trying to care for you properly. (The actual phrase used is mu
> stronger, but it is difficult to convey : literally it means—' to guard yo
> life lest you die quickly '.) And yet you say she is a bad woman. No,
> is good, really good, and if you leave her you will never find another wom
> to look after you in this way. Had she been like other women she would ha
> been committing adultery because of the example you set her, but see,
> did not do this at all. You fellow, you are mad, you have no sense. It ne
> occurs to you that a man of wisdom ought not to go running about loos
> as though he were an animal in the bush. Go now, and stay in pea
> Leave the court. We have other cases to hear. Orderly, lead them aw

Thus, the aim of the courts is to preserve existing social relatio
Gluckman has been able to show for the Lozi that the role
courts is a function of the social structure. He points out that eve
case must be decided by ' many people ' because, in a type of socie
which is dominated by face-to-face personal relationships and n
largely by an impersonal economic and political framework, t
interests of many individuals and groups are directly involve
The communal need to settle disputes is great, and the people i
volved ought to constitute themselves into an informal cou
Furthermore, because of the ' multiplex ' character of soc
relations,[1] a complex set of social and psychical pressures is constant

[1] This is a phrase introduced by Gluckman to cover relationships involvi
diverse interests. Thus, among the Lozi, economic, religious, educational a
recreational interests may all be served through the same group of kin.

rating to effect a reconciliation should a dispute ever arise. timent, economic interest, links with common kin, religious efs, proximity—all these factors may be present in a given ation, and will be seized upon by the informal court in an effort ring the disputants together. Should the matter eventually have ome before a political court, the court will strive to reconcile the ties in the same way as do family or other ' informal ' councils. ne court ', says Gluckman, ' regards its effectiveness as depending its ability to work in accord with the numerous incentives and ssures which always operate to maintain the course of social '

he significance of this for the urban courts should be plain. In municipal locations and mine compounds in which the bulk he African population is housed, social relationships are no more a face-to-face personal basis than they are in a Manchester urb. The attachment to land or the possession of cattle no longer vide a nexus binding people together in a system of more or less uring relations. Neighbourhood creates social links, but these not involve economic co-operation. Kinship does remain an portant determinant of behaviour. For example, when Peter amba, whom I had known for some time before the case came he urban court, discovered that his son-in-law was committing ltery while the wife Mangaleti was pregnant, he went to Luanshya consult his relatives about seeking ' medicine ' to enable Mangaleti ear her child in safety. Moreover, he hesitated a long time about ging the case because he feared that other relatives still at home, o had arranged the marriage, would be annoyed with him for ing broken the union. But this, rather than weakening, in fact ngthens the argument. For when the members of a kinship up are scattered in this way all over the Territory, it can no ger operate as a unit, or effectually fulfil its traditional functions. erefore, in seeking to preserve existing relations, the urban courts not work in accord with those pressures and incentives which rated within the tribal system, for these no longer obtain in the an situation. The pressure of neighbourliness of the two sets of aws to maintain this particular marriage operates only at a ance. The husband's kin are not present to join his in-laws in lding him for his wrongdoing. So the bases on which a tribal rt could effect a reconciliation between the parties have dis- eared. Consequently, I believe that one may now expect to l urban courts laying increasing emphasis on the penal sanction ases which traditionally would have been a matter for compensa- n.[1] Conversely, one may also expect to find parties approaching courts and invoking these sanctions in situations which formerly

[1] I speak here of compensation, but the use of this term is now unsatisfactory. need to distinguish between that which passes between the disputants as a n of reconciliation—often in Native custom a fowl—and that payment ch expresses an equivalence of damage suffered.

fell within the province of the simple family or kinship grou

Disputes do not arise only between kinsmen. The new forms social grouping and new types of social relationship which spr from the urban situation create fresh sources of conflict. Th pose novel problems for the urban courts which bring out e more clearly the need to see them, not as variants of Native Aut rity courts, but as courts of a completely different kind, operat within a social system about which there is little specifically Afric

It is useful to distinguish between those legal relations volunta contracted, and those which are involuntarily contracted. As example of a legal relation involuntarily contracted consider simple case of a bicycle accident. The complainant states that was coming out of the compound on his bicycle, keeping to left-hand side of the road. Along came another cyclist on the wr side of the road, and before the plaintiff had time to dismount was knocked down and slightly injured. The defendant's plea that as he was riding along he saw a child coming towards him pu ing a wheelbarrow, and he was frightened. At the same mome European car appeared. He could go neither one way or the ot and he rode into the plaintiff.

Now, I am not suggesting that the members of an urban co can not handle this situation as competently as any trained Europ magistrate. Quite obviously, any court, tribal or otherwise, ha deal with cases in which one person claims he has been injured the act of another. What I want to stress is the social framew within which the case arises, and is judicially handled. In the place, the situation is clearly dominated by the elements of mate culture introduced by the Europeans—the road, the bicycles, wheelbarrow and the motor car. Secondly, it implies the existe of a political authority over the area, which is vested in the Europea and which has the power to make bye-laws concerning the use the public road. The urban courts do not, in fact, apply th municipal bye-laws, but in handling the case they must take co sance of them, explicitly or otherwise. Finally, the legal relations created by the accident does not involve only Africans. Europea too, are concerned, but the urban court is excluded from cal them as witnesses, and does not consider the matter serious eno to warrant its reference to the magistrate.

A similar situation exists in the field of legal relations volunta contracted. In the urban areas the impersonal cash nexus come be as important in the social relations of the African as were kinship ties in the tribal system. He may be a business man, a tra

[1] Cf.: R.Firth, *Elements of Social Organisation*, London: Watts (19 p. 73: 'In a small community with a high degree of inter-personal cor between all its members, comparatively informal procedures can be very effec In a community of larger scale, where it may be difficult to find individuals personal knowledge of the parties to a dispute, more formal procedures mus adopted.'

fish or second-hand goods, or the owner of a motor bus service. e enters into a variety of legal relations: partnership agreements, reements for the sale of goods, contracts of service, of hiring and ting, and so on. The variety and complexity of the legal problems nich may be thrown up by this situation are unlimited. Develop- ents over the whole field of contract and tort pose new problems nich an urban court may now be called upon to face. Let me ve but a few examples. In contract, such questions are involved the nature of an agreement, the reality of consent, or impossibility performance : in tort, the nature of vicarious liability, of remote- ss of damage, or of liability for the negligence of an independent ntractor. Yet these are precisely the questions with which lawyers ve to juggle every hour of their professional lives. Urban courts entertain these problems, and may grope their way to some solu- n by the use of commonsense or other hit-and-miss methods, t they do not administer the law. For there is no law to administer. Thus, the urban courts are caught in a serious dilemma. Funda- ental to every legal system is the problem of achieving some balance tween the needs of stability and the needs of change. ' Law must stable, and yet it cannot stand still ' (Pound). While the effect an individual decision may often be to change the law, the primary nction of a court is to administer the law. In all developed political cieties this balance is achieved by a separation of the powers of diciary and Legislature. Even among the Lozi, where the Kuta ouncil) exercises judicial and legislative, as well as other, functions, ese functions are regarded as quite distinct. In one case which luckman quotes, a man was acquitted by the Kuta because no fence was disclosed under the existing law. At the conclusion of e case the Kuta at once agreed that the facts disclosed a need for gislation. In regard to other tribes, whatever may have been the sition in the past, today all Native Authorities are invested with gal powers to amend or abrogate existing law, or to introduce new ws. These powers are distinct from the exercise of judicial authority. the urban areas, however, there is no Native Authority, nor is ere any other African body as yet authorized to deal with problems this nature.

A further factor complicates the issue. The present orientation of e urban courts towards the Native Authorities in the rural areas ves urban court members a vested interest in upholding the plication of customary law to the urban community. Most do not e the urban situation as one in which tribal sanctions can no nger operate, or the rules of customary law apply. On the contrary, ey regard the urban population as being composed for the most rt of scoundrels and ne'er-do-wells who have lost their respect r themselves, their chiefs, and their tribal customs. The remarks an old Lozi, made in the course of a discussion which I attended Mufulira, may be quoted as an expression of their point of view :

> All of you would be quite happy to forget our African ways, wouldn't yo
> If I have understood you properly, you want cases to be decided by we
> educated young men. So you want your cases to be decided according
> the laws of the Europeans, is that it? It seems you want to forget all t
> customs which have been handed down to us by our ancestors, and follo
> the customs of the whites.

In other words, court members would argue that the problems o the urban community are to be met by further and stronger injection of tribal law.

In point of fact, many departures from ' strict ' customary la have been introduced by the courts in the day-to-day administratio of the law. In the majority of cases the question of tribal affiliatio has become irrelevant, and, outside the sphere of matrimonia disputes, cases in the ' conflict of law '[1] are almost unknown Nevertheless, the attitude which court members bring to their wor precludes them from seeing the real significance of many situations My first case, Mangaleti's suit for divorce against Cewe, illustrate this well. I have shown that the court strives to handle the case i the traditional way. This is emphasised in the court's refusal t entertain the case as a suit for divorce. The marriage was contracte in the village, and registered at the chief's court, and it can only b dissolved there, in the presence of those who were party to th marriage contract. In fact, of course, the court is not dealing with ' customary marriage '. The whole structure of the marriag relationship has altered. The first question put by the President t Mangaleti : ' So when he receives his wages he doesn't give yo anything, is that it? ' offers a significant clue. Although the coupl have only been married a short time, the husband is already eco nomically responsible for his wife's care.[2] He has established hi own household, for the rent and upkeep of which he alone is res ponsible. Moreover, as a wage-earner he is socially and economicall independent of his father-in-law. These structural changes withi the kinship and marriage system are at once reflected in demands fo a change in the law, or, more properly, in a denial that the old la is applicable. Cewe regards the marriage as his own concern, an when the parents-in-law take the child to be baptized without hi knowledge or consent, he becomes angry and threatens to repor the matter to the police, though in traditional Bemba law it is th

[1] Cases in the ' conflict of law ' are those in which the parties base thei claims on opposed tribal customs. Thus, a Bemba might claim damages agains a Lenje whose child had accidentally damaged his property. Such a clai might be good in Bemba law, but under Lenje law the rule might be that n liability attaches to the parents for the acts of their children if committed acciden tally. The laws here are opposed, and the court must decide what law govern the case.

[2] In Bemba custom the process whereby a ' young man wins economi independence from his father-in-law and gains paternal authority in his ow right ' is often protracted, and may take a varying number of years. See Audre Richards, *Bemba Marriage and Present Economic Relations*, Livingstone Rhodes-Livingstone Institute (1940), p. 51 *et passim*.

ternal uncle who is the legal guardian of the child.[1] Towards the
l of the case, when the court explains to Cewe that his father-in-
/ wishes the marriage to be dissolved, and asks for his opinion,
we protests. His father-in-law has not the power to ' cut ' the
rriage. At once the court turns upon him and upbraids him. He
most wicked. He has betrayed his stupidity in denying what
patent, that his marriage is the concern of the parents-in-law,
l that they are the ones who have the real power to break the
ion.

have said that the need for change, whether it takes the form of
roducing new law or of modifying the old law, is present in every
al system. Now, the development in any society of a system of
irts which have power to enforce their judgments postulates
existence of a political organization within which the courts have
important place. In these societies the need for change is met in
differentiation of functions within the political organization.
hough, therefore, there is no urban Native Authority on the
pperbelt with which the urban courts could be associated, it is
in that the courts do operate within such an organization. It
he role which they play within this organization that I now wish
examine.

Jrban courts are, first and foremost, a creation of Government.
hough court members may be referred to as 'Chiefs', and treated
h deference, in fact their authority derives from Government.
imately, it is the ' Boma Law ' [2] which they administer. This
s brought home to me quite forcibly by two cases of ' contempt
court ' which were heard at Ndola.[3] In the first case a woman
l taken out a summons against her husband, but he refused to
in an appearance, saying that he would come when the court
t a motorcar for him. In the second a fight began in the court
ween the two litigants. The two court messengers were called to
e evidence on how the fight started. Thereafter the procedure
)pted in both cases was the same. The court sent for the court
:k, who sits in an adjoining office, and asked him to read out the
tion of the Native Courts Ordinance relating to Contempt so
t the parties would know the laws concerning the court, and
uld not accuse the court of convicting them falsely (*kufyenga*).
urther, the courts are situated within the grounds of the Boma,
, in theory at any rate, are constantly under the eye of the
trict Officer, to whom there is in every case the right of appeal
m the decision of an urban court. Although the number of cases
ich come on appeal is relatively small, there is often a considerable
ree of tension in the relations between court members and the

[1] Richards, op. cit. p. 35.

[2] ' Boma ' is the term used to describe any Government office.

[3] On neither of these two occasions was I myself present in court. The
s were recorded by my African assistant.

District Officer. Court members used to complain that Distric Officers, while helpful, and indeed indispensable, would alway accept the verbal and written complaints of younger, educate Africans, because, as Europeans, they were able to communica more freely with those who spoke their own tongue. The cou members would be called into the District Officer's presence, u braided before the litigants, and their decision reversed. Cou members said the result was seriously to undermine their authorit On the other hand, dissatisfied litigants may refuse to take advanta of the right of appeal because they feel that the court members ar the District Officers are working hand in glove. Just as the Distri Commissioner is bound to support his junior, so the District Office in turn, is bound to side with his court members.

The facts disclose a fundamental contradiction in the attitude Africans towards the urban courts. In some situations the cour are seen as standing over in opposition to the Administration; others they are regarded as its handmaiden, a mere appendage the Boma, as it were. This is not something peculiar to the urb situation. It exists wherever colonial governments continue utilize ' indigenous authorities ' as agents of the Administratio Hence the difficult position of the modern African chief.[1] The urb situation, however, does present an interesting variation on t theme.

I have explained that urban court members are appointed Native Authorities in the rural area. In point of fact they have ' indigenous ' authority. In the past there seems to have been tendency for court members to regard themselves as urban chie and to call themselves by the names of their Paramount or Seni Tribal Chiefs. Even if we accept the premise that it is possible apply a tribal system of law in an urban context, it is clear that t administration of justice must break down if court members rega themselves as chiefs, or their urban deputies, and they are now f bidden to speak of themselves in this way. Nevertheless, because their continued association with the Native Authorities, many urb Africans consider that the responsibility for urban affairs, wh should be their concern, remains vested in the chiefs, and urban courts become the focus of a struggle for political pow within the urban community.

The struggle is clearly reflected in the constant complaints t are lodged against the urban courts at meetings of urban advis and other representative councils. The charges—that court memb are corrupt, that they are completely arbitary in their administrati of the law, that they do not give members of ' unrepresente tribes a fair hearing, etc.,—are almost wholly without substan This fact is sometimes taken by Administrative Officers as a compl

[1] See essays by J. C. Mitchell, M. Gluckman, J. A. Barnes and E. Col in *Seven Tribes of British Central Africa*, (ed. E. Colson and M. Gluckma London: Oxford University Press for the Rhodes-Livingstone Institute (19

ly to these attacks on the urban courts. But whether the charges justified or not is largely irrelevant. Indeed, the fact that they are eless only heightens their significance as an index of political avage. For the complaints which are lodged against the urban urts do not constitute an attack on the principle that justice should administered to Africans in African courts. On the contrary, the ican has an interest in the urban courts. He sees in their existence ecognition of the fact that the towns are not merely ' the place of ropeans '. So his attacks on the present system are really a re-rmation of political values which have come to vest in the urban urts, and these values in turn are a function of the multi-racial mmunity within which the courts operate.

AN ESTIMATE OF FERTILITY AMONG AFRICANS ON THE COPPERBELT OF NORTHERN RHODESIA

by

J. CLYDE MITCHELL

IT is significant that one of the earliest writers on demograph topics called his subject 'political arithmetick'.[1] Of all social science demography has become one of the most indispensable to admin strators who find estimates of population increase and make-u essential for planning. In this respect administrators have be poorly served by the demographers in Central Africa. They ha done little to assist the administrators and the attempts of t administrators themselves have not all been successful.[2] Their lac of success is partly because they frequently lack the demograph skills and are unable to handle population data to best advantag but the more serious obstacle is one which demographers themselv cannot easily overcome, namely, the lack of categories of informatio about African populations which would make the computatio along modern lines possible.

It is because so little basic data is available that I am persuade that it will be useful to publish the material I have presented i this paper. This material has emerged as a by-product of the Rhode Livingstone Institute's Social Survey on the Copperbelt. Th survey is being conducted among the African population on th Copperbelt. A ten per cent sample of houses and huts is bein selected and the adult occupants being interviewed. The intervie covers a wide selection of sociological topics which incidentall include that information which allows some estimate of fertility t be made. The interviews are conducted by trained Africa interviewers. Each interview takes about an hour. Husband an wife are interviewed separately, the husband's interview being cor cerned largely with his labour history, and that of the wife bein concerned with a history of child-bearing. The interviewers trie to secure actual dates of birth and death of children and dates c birth of the respondents. This proved to be no easy task as only small proportion knew their dates of birth with any accuracy Recourse had to be made to their memory of outstanding events i local history whose occurrence the respondents remembered.

[1] Sir William Petty who published his *Five Essays in Political Arithmetic* in 1687.

[2] See for example R. R. Kuczynski's comments in Volume II of hi *Demographic Survey of the British Colonial Empire*. Oxford University Press fo the Royal Institute of International Affairs, London : 1949.

cannot estimate the extent to which we have been successful except by observing that the results do not show any obvious defects. It is probable that there was no consistent over- or under-estimation of ages, but we cannot claim any great accuracy for the results. I can only argue that these estimates are better than no estimates at all, and I think that they are justified in that they at least give the general picture of the age structure of the population. For this reason I have attempted where possible to compute average rates, so that the influence of adventitious variations in age may be counteracted. The ages of children are far more accurate since a good proportion of the younger parents are able to say at least the year of birth of their children.

The information presented in this essay is taken from the records of the social survey as they stood in November 1951. At that time the survey in the Roan Antelope African Township had been completed, together with the survey in the other areas of Luanshya (excluding the wood-cutters' camps in the perimeter). The greater part of the survey in Ndola had been completed but some of the smaller compounds and locations in the perimeter had not been completed, nor had Twapia African Township. The estimates I present, therefore, are based on incomplete data, but I am confident that the final results will not differ to any marked degree.

Fertility in the Whole Sample

There are many ways of measuring fertility. The commonest is the *crude birth rate*, i.e. :

$$\frac{\text{Number of births in any one year} \times 1{,}000}{\text{Total population alive during that year}}$$

On an average over the five years, 1947-51, the crude birth-rate for the whole Copperbelt sample was 42·08. This suggests a very high birth-rate indeed. (Crude birth-rate : United Kingdom (1901)=28·7; (1947)=20·6; Northern Rhodesia Europeans (1950)=29·4). The crude birth rate however, is much affected by the age and sex structure of the population as a whole. We know for example that the Copperbelt population is heavily weighted in the young adult age-groups, i.e., those age-groups which are most fecund. We cannot therefore, use the crude birth rate with any confidence in making comparisons, unless we correct for the differences and age and sex structure. We may do this by calculating the birth rate on the assumption that the age and sex structure is everywhere the same as that which pertained in the United Kingdom in 1901. There is no particular reason why the birth rate should be standardized to the 1901 population in Great Britain, but demographers appear arbitrarily to have chosen that date. If we correct the birth rate for the whole Copperbelt sample, the standardized birth rate becomes 37·1 per

1,000 population. The standardized birth rate for the Yao tribe of Nyasaland on a small sample proved to be 46·9. This is the only other comparable sample from Central Africa I have at hand.

Another measure of fertility is the *fertility ratio*. This is expressed :

$$\frac{\text{No. of children living aged less than 5 years old}}{\text{Total number of women 15—50}}$$

The fertility ratio for the total Copperbelt sample proved to be 753·7. The fertility ratio for Britain in 1901 was 419·7,[1] in 1947, 314·1,[1] and the Yao sample, 738,[2] an Ngoni sample, 609.[3] The fertility ratio for the rural African population of the Union (1936) was 645·5,[4] for the African urban population (1936) was 378·4,[5] and for Port Elizabeth (1936) was 421·7.[5] On the surface of these figures again, fertility in the Copperbelt is high. Once again, the figures are not strictly comparable for two reasons. Firstly, if children under five are sent out of town to live with rural relatives, the figure will be underestimated. The Yao figure, excluding the children of labour migrants, was 766. The Copperbelt figures, adjusted to include those children in rural areas and to exclude rural children living with relatives in town, was 792·5. We do not know to what extent the figures for African urban populations in the Union and for that of Port Elizabeth in particular are lowered by children absent in rural areas, but the figure for the South African rural areas (645·5) suggests that it is not enough to bring the urban fertility ratio up to the Copperbelt level. The figures are also not comparable once again, because of the differences in the age distribution of women aged 15-50.

A third possible way of measuring fertility is by the *specific fertility rate*. As an approximation to the specific fertility rate we may follow the Central Office of Statistics and compute the number of children per 1,000 women over the age of fifteen. This measure for the three areal samples calculated as an average rate over the last five years is :

[1] Computed from Table III (p. 191) and Table XI, (p. 209) in *Papers of the Royal Commission on Population, Vol.* 11. Reports and Selected Papers of the Statistics Committee H.M.S.O. (1950).

[2] J. C. Mitchell 'An Estimate of Fertility in Some Yao Hamlets in Liwonde District, Southern Nyasaland'. *Africa* XIX, 4, (Oct., 1949) pp. 301-3.

[3] J. A. Barnes, *Marriage in a Changing Society*, R. L. I. Paper No. 20. Cape Town : Oxford University Press, 1951. Computed from Tables III and IV, pp. 24-25.

[4] Sixth Census of the Population of the Union of South Africa. Enumerated 5th May, 1936. Vol. IX, Natives (Bantu) and Other Non-European Races. Government Printer Uganda 12/42 (1942). Computed from Table 2, p. 3.

[5] Ibid. Computed from Table 5, p. 17.

Sample	No. Women	No. Children	S.F.R.
R.A.C.M.	2,971	464	156
Other Luanshya areas	1,371	173	126
Ndola	1,443	252	175
All areas	5,785	889	154

The 1950 sample survey of the African population of Northern Rhodesia showed that this measure for Luanshya was 255 and for Ndola 150.[1] The information presented here suggests that the estimate for Luanshya was too high and that the true figure is nearer that for Ndola, i.e., 150.

Where ages are known it is customary to limit the divisor in the specific fertility rate to women in the child-bearing ages.

It is computed thus :

$$\frac{\text{No. children born in any year} \times 1{,}000}{\text{Total number of women aged 15-44 in that year}}$$

The specific fertility rate for the Copperbelt sample was 162·0. The specific fertility rate for Britain in 1901 was 115·4, in 1947, 91·5. In South Africa (white population) 1904, 155·2; in 1936, 102·6 : and for the Yao sample, 183·7. Once again the distribution of women by different ages between 15 and 44 affects the measure, because fertility differs in different age groups. In Table I, I have set out the percentages of women in the different age groups from 15-49 in the three Copperbelt samples and the population of Britain in 1901 for comparison.

TABLE I

PROPORTION OF WOMEN IN AGE GROUP BY LENGTH OF RESIDENCE IN COPPERBELT, TOGETHER WITH TOTAL COPPERBELT SAMPLE AND POPULATION OF UNITED KINGDOM, 1901

	Residence in Copperbelt			Total Copperbelt	U.K. 1901
	Under 5	5-10 yrs.	Over 10 yrs.		
Sample	452	252	340	1,044	10,125,000
15-19 ...	46·5	30·6	17·9	33·3	18·4
20-24 ...	31·0	33·7	17·4	27·2	18·5
25-29 ...	17·0	21·0	25·6	20·8	16·7
30-34 ...	3·1	9·1	18·2	9·5	14·2
35-39 ...	1·5	4·4	14·4	6·4	12·4
40-44 ...	0·9	0·8	5·0	2·2	10·7
45-49 ...	0·0	0·4	1·5	0·6	9·1
Mean age	21·7	23·9	28·2	24·4	30·1

[1] *Economic and Statistical Bulletin.* Central African Statistical Office, Salisbury, W. 3, (June 1951) p. 5.

It is amply clear that with these variations in the age structure among the samples, and in the total sample with the United Kingdom population in 1901, comparison of specific fertility rates as such is not feasible. We may however, correct the specific fertility rate, assuming an age structure identical with that of the British 1901 population. The standardized specific fertility rate for the total Copperbelt sample then becomes 135·7 and that for the Yao sample 157·4. I have no data to standardize the South African figures.

In the discussion of the differences between Copperbelt samples that follows, I have not used specific fertility rates, but a total reproduction rate. This is a measure which, assuming current general fertility, will predict the number of children a girl now entering the reproductive phase will bear throughout her life. To arrive at this measure, quinquennial age specific fertility rates are necessary.

To compute these, I have considered the number of children born in the years 1947-51. I have related the birth of each child to the age of mother at its birth, and then averaged out the births during a five year period. The extract from one of the basic tables clarifies the procedure.

TABLE II

Mother's birth date	Number of mothers	Number of children born in specific years				
		1947	1948	1949	1950	1951
1928	8	3	1	2	4	2
1929	11	1	3	2	1	2
1930	13	2	1	2	3	3
1931	12	2	3	9	—	7
1932	18	2	2	2	4	1
1933	9	—	—	2	1	1
1934	6	—	—	—	—	—
1935	5	—	—	—	—	—
1936	1	—	—	—	—	—

Let us consider the reproductive history through the years 1947-51, of the eight mothers born in 1928. In 1947, i.e., when they were 19, they bore three children. When they were 20 they bore one child between them, i.e., in 1948. When they were 21 they bore two children, when 22, four children and when 23 they bore two children. But we observe that in 1948 eleven mothers who were 19 bore three children, in 1949 thirteen mothers who were 19 bore two children, in 1950 twelve mothers who were 19 bore no children and in 1951 eighteen mothers who were 19 bore one child. We may therefore calculate the specific fertility rate averaged over five years for mothers aged 19 by summing the numbers of women passing through the age 19 between 1947 and 1951 and comparing with them the number of children born to them at that age during those years.

I have not considered it profitable to calculate specific fertility tes for each year of life because the ages of both women and ildren are estimated. Instead, I have calculated average rates ver five years for five-year age groups. This is done simply by ding the number of children between the stepped lines in the ble and comparing this figure with the number of women passing rough the ages. In the example I have used the age specific rtility rate is calculated as follows :

No. of children born to women 15-19 during 1947-51.

(3) + (1+3) + (2+1+2) + (2+3+9+0) + (2+2+2+4+1) + (0+2+1+1) + (0+0+1) + (0+0) + (0)=42.

No. of women passing through ages 15-19 during 1947-51.

$(8\times1) + (11\times2) + (13\times3) + (12\times4) + (18\times5) + (9\times4) + (6\times3) \times (5\times2) \times (1\times1)$

$=8 + 22 + 39 + 48 + 90 + 36 + 18 + 10 + 1=272.$

he average age specific fertility rate therefore per 1,000 women ged 15-19 over period 1947-51, is $\frac{42\times1,000}{272} = 154{\cdot}4.$[1]

Arguing along the lines of the gross reproduction rate, we may y that if the present rate of fertility continues, the average woman assing through the age period 15-19, would bear 0·1544 children ch year, or a total of 0·7720 children during the five years. By mputing the age specific fertility rate from 13 to 50 and by summing ese rates we have a measure of the fertility expressed in terms the estimated number of children each woman will bear.

In Table III, I have made these computations for the three mples.

TABLE III

VE YEAR AGE SPECIFIC FERTILITY RATES FOR R.A.C.M., OTHER LUANSHYA AREAS AND NDOLA SAMPLES

Age Groups	R.A.C.M.	Other Luanshya	Ndola	Total
13-14 ...	0·038	0·015	0·014	0·028
15-19 ...	0·188	0·155	0·157	0·172
20-24 ...	0·218	0·161	0·213	0·202
25-29 ...	0·160	0·120	0·182	0·157
30-34 ...	0·092	0·135	0·170	0·118
35-39 ...	0·069	0·106	0·127	0·089
40-44 ...	0·026	0·000	0·086	0·033
45-49 ...	0·073	0·083	0·067	0·074

[1] The measure is distorted to some extent because I have omitted those omen who died in the childbearing period during these years.

This table shows that the peak period of child bearing is in the 20-24 age group. The peak age of child bearing (median age) for the R.A.C.M. sample is 24·7, for the other Luanshya areas, 27·4 the Ndola sample, 28·4, and for all three samples combined, 26·1

TABLE IV

EXPECTED NUMBER OF BIRTHS AT DIFFERENT AGES ACCORDING TO CURRENT FERTILITY

	R.A.C.M.	Other Luanshya	Ndola	Total
13-14	0·190	0·075	0·070	0·140
15-19	1·130	0·850	0·855	1·000
20-24	2·220	1·655	1·920	2·010
25-29	3·020	2·255	2·830	2·795
30-34	3·480	2·930	3·680	3·385
35-39	3·825	3·460	4·315	3·830
40-44	3·955	3·460	4·745	3·995
45-49	4·320	3·875	5·080	4·365

The end result of the columns of Table IV shows on the basis of current fertility, the number of children a woman now entering the reproductive period can expect to bear. The Other Luanshya areas sample shows a rather lower fertility than the other two. An examination of Table III shows that the loss of fertility is greatest in the woman younger than 30 and that Ndola's increase of fertility is mainly in the women over the age of 30. An examination of Table V which sets out the proportion of women who have never borne a child, in age groups, shows that the explanation for the lower fertility in Other Luanshya areas is almost certainly explained by the general childlessness of that population and not by merely decreased fertility.

TABLE V

THE PROPORTION OF WOMEN IN FIVE YEAR AGE GROUPS WHO HAVE NEVER BORNE A CHILD

	R.A.C.M.			Other Luanshya		
	Sample	Childless	%	Sample	Childless	%
15-19 ...	107	56	52·3	51	39	76·5
20-24 ...	160	36	22·5	84	34	40·5
25-29 ...	145	19	13·1	60	18	30·0
30-34 ...	101	8	7·9	40	10	25·0
35-39 ...	61	6	9·8	21	5	23·8
40-44 ...	31	4	12·9	17	3	17·7
45-49 ...	12	0	0·0	5	1	20·0
50+ ...	5	1	20·0	—	—	—
Total ...	620	130	21·0	278	110	39·6

	Ndola			Total		
	Sample	Childless	%	Sample	Childless	%
15-19 ...	63	41	73·6	221	136	61·5
20-24 ...	92	24	25·8	337	94	27·9
25-29 ...	63	11	17·5	268	48	17·9
30-34 ...	52	14	26·9	193	32	16·6
35-39 ...	16	1	6·3	98	12	12·2
40-44 ...	12	1	8·3	60	8	13·3
45-49 ...	5	—	0·0	22	1	4·5
50+ ...	—	—	—	20	1	5·0
Total ...	304	92	30·2	1,204	332	27·6

We may summarize the table thus :

Sample	Percentage Childless Women	
	Under 30	Over 30
R.A.C.M.	26·9	9·0
Other Luanshya Areas ...	46·7	22·9
Ndola	34·9	13·8

Yet the Ndola sample showed the highest general fertility, though the proportion of childless women in it was higher than in the R.A.C.M. sample. The sample of women on which the computations are based is larger for the R.A.C.M. (191) than for the Ndola (81), though the proportion of women 15-50 is similar (R.A.C.M. 31·0%, Ndola 26·7%). The conclusion must be, therefore, on the evidence presented, that general fertility is higher in Ndola than in the other two sample areas and that the difference lies simply in the fertility of the upper age groups.

Fertility and Length of Urban Residence

I have tried to relate fertility to length of residence in towns. I have taken three arbitrary periods of residence : under five years, between five and ten years, and more than ten years. I combined the three territorial samples for this examination. Table VI sets out the expected number of children at different ages among women of varying periods of residence in town.

TABLE VI

EXPECTED NUMBER OF CHILDREN AT DIFFERENT AGES ON THE BASIS OF CURRENT FERTILITY AMONG WOMEN OF VARYING PERIODS OF RESIDENCE IN URBAN AREAS

	Length of Residence			
	Under 5	5 to 10	Over 10	Total
13-14 ...	0·120	0·110	0·200	0·140
15-19 ...	0·980	1·080	0·915	1·000
20-24 ...	2·050	2·155	1·680	2·010
25-29 ...	2·790	2·890	2·560	2·795
30-34 ...	3·330	3·315	3·270	3·385
35-39 ...	3·855	3·520	3·760	3·830
40-44 ...	4·035	3·655	3·925	3·995
45-49 ...	4·035	3·655	4·380	4·365

The evidence presented here suggests that fertility is lowest in that group of women, who have spent between five and ten years in urban areas. The end result of this table as in Table IV is suspect because of the small number of women being dealt with. At year 35 the total number of expected children is virtually the same in all three groups and the differences which show up in the final figure appear in the subsequent age groups.

TABLE VII

FIVE-YEAR AGE SPECIFIC FERTILITY RATES FOR WOMEN OF VARYING URBAN RESIDENCE

	Under 5	5 to 10 yrs.	Over 10 yrs.	Total
13-14 ...	0·024	0·022	0·040	0·028
15-19 ...	0·172	0·194	0·143	0·172
20-24 ...	0·214	0·215	0·153	0·202
25-29 ...	0·148	0·147	0·176	0·157
30-34 ...	0·102	0·085	0·142	0·118
35-39 ...	0·111	0·041	0·098	0·089
40-44 ...	0·036	0·027	0·033	0·033
45-49 ...	0·000	0·000	0·091	0·074

An examination of the five-year age specific fertility rates set out in Table VII shows that these rates are somewhat lower in the women under 25 years who have lived in urban areas for more than ten years and somewhat higher in the older age groups. This would

em to suggest that the fertility rate for those who entered the productive phase after living in town for some years, was lower an for those who bore their first child before coming to town. he suggestion however, is not borne out by an examination of those ho have been living in town for between five to ten years. There ems therefore, no conclusion that we can draw from these figures out the effect of town life on fertility as a whole.

In Table VIII, I have set out the proportion of childless women cording to length of residence in town.

TABLE VIII

PROPORTION OF CHILDLESS WOMEN IN FIVE-YEAR GE GROUPS ACCORDING TO LENGTH OF RESIDENCE IN TOWN

	Under 5 yrs.			5-10 yrs.			Over 10 yrs.		
	Sample	Child-less	%	S.	C.	%	S.	C.	%
15-19	142	82	57·7	26	15	27·7	53	39	73·6
20-24	196	48	24·5	84	28	33·3	57	18	31·6
25-29	126	23	18·3	80	12	15·0	62	13	21·0
30-34	66	10	15·2	43	7	16·3	84	15	17·9
35-39	11	2	18·2	23	2	8·7	64	8	12·5
40-44	7	2	28·6	9	1	11·1	44	5	11·4
45-49	3	1	33·3	3	0	0·0	16	0	0·0
50	—	—	—	—	—	—	5	1	20·0
	551	168	30.5	268	65	24·3	385	99	25·7

mmarizing this table we have :

	% Women Childless	
	Under 30	Over 30
Under 5 years resident ...	33·0	17·2
5-10 years resident	28·9	12·8
Over 10 years resident ...	40·7	13·6

here appears to be no clear-cut correlation between the length of sidence in town and the number of childless women in the popula-on. The proportion of childless women over 30 in the three sidential samples is practically constant. Amongst the women der 30 years old there appears to be a greater proportion childless

amongst those who have been in town for ten years and more. If we assume that the mean length of residence in this group is say fifteen years, we may assume on the whole these women came to town just as they were embarking upon their reproductive career. This seems to support the belief that many of these women have been sterilized through venereal disease, but the proportional difference from the number of childless women amongst those who have been resident for less than ten years, is small enough to be barely significant ($p=0{\cdot}03$).

In summary, we may say, that the significant points that emerge are these :

1. The level of fertility as a whole, gauged by any measure is high. It is commonplace sociological knowledge that fertility is lower in cities than in rural areas. The 1950 Sample Survey of the African population of Northern Rhodesia indicates that this was reversed for an African population. The number of births per woman questioned in urban areas was 36 per cent higher than in rural areas. We are aware however, that the differential age structure must be of great importance in affecting the measure used here. Table in the general essay shows that there are only 0·2 per cent women in the general population of the Copperbelt over the age of 50. This means that nearly all women over the age of 50 are living in rural areas and must therefore be included in the divisor of the fertility rate. If we recalculate the fertility rate for Northern Rhodesia rural areas and work on the assumption that the proportion of women 15-50 in Northern Rhodesia rural areas is the same as that shown in the 1936 Census of South Africa (rural natives), it rises to 0·230. The urban rate on the same basis rises to 0·251 so that the evidence seems to suggest that there is no rural-urban differential fertility among Africans yet and that general fertility is high.

The general fertility is related to nuptiality. From what evidence we have nuptiality is very high in the general rural population.

Few women live past 20 years of age without marrying. In the Copperbelt sample, 95·8 per cent of the women aged 15-50 had a spouse and were living with him—a natural concomitant of a situation where the sex ratio for the 15-50 age group is 145·5 males per 100 females.

[1] e.g., J. C. Mitchell and J. A. Barnes : *The Lamba Village : A Report of a Social Survey*. Communications from the School of African Studies (New Series No. 24) (May 1950) Table XIX p. 46 shows 75·9% of all women 15-50 have a spouse (Lamba).

J. C. Mitchell : ' An Estimate of Fertility in Some Yao Hamlets of Southern Nyasaland ', *Africa* xix, 4 (1949), Table III, p. 297 shows that of all women 20-45, 79·9 per cent have a spouse (Yao).

J. A. Barnes : *Marriage in a Changing Society*. Rhodes-Livingstone Paper No. 20, Cape Town : Oxford University Press (1951). Table IV, p. 2 shows 82·7 per cent women aged 15-50 have a spouse (Ngoni).

Compare these with the figure of 62·9 computed for Great Britain in 1947 From Table IX, p. 205 of *Reports and Papers of the Statistics Committee Population Commission*. H.M.S.O. (1951).

A second important factor in the high fertility must be the early ge at which child-bearing begins. Table IX sets out the age of rimiparae over the last ten years.

TABLE IX

AGE OF PRIMIPARAE 1942-51

Age of bearing first child	Number of women
Under 15	25
15-19	279
20-24	149
25-29	29
30-34	4
35-39	—
40-44	1
Total	487

Median age at first birth 18·9

It is significant that 93·0 per cent of the women who had their rst baby during the last ten years had them before the age of 25. ther factors which contribute to the general high fertility are the neral high esteem in which children are held, the lack of knowledge nd resources to acquire contraceptive techniques and other similar ciological factors. I have not as yet extracted the information we ave on mortality so that we can say nothing about the rate of placement or rate of natural increase.

2. The differences in general fertility among the samples were not reat but were lower in the sample from the Other Luanshya areas, fact probably related to the high proportion of childless females that sample, especially among those under 30. General fertility ppeared to be higher in Ndola, which contradicts the result of the 950 Sample Census.

3. Nothing significant has emerged from the comparison of rtility in groups of women of varying residence in town. The eneral lower age specific fertility rates in the younger age groups of ne women who have spent more than ten years in town and the ightly higher proportion of childless women under 30 among those ho have spent more than ten years in town, suggests that fertility ay be lower amongst those who commence their reproductive fe in town, but the evidence is as yet inconclusive.

LOOKING BACK

by

J. M. WINTERBOTTOM

SOON after I came to Northern Rhodesia from the Gold Coast I wrote an article in which I maintained that we were making the same mistakes in Africa that we had made in India, and that if we produced a relatively small, relatively highly-educated class of Africans and left the mass of the people in ignorance, we were laying up political trouble for ourselves and a future of exploitation and misery for the Africans. I suggested that the pace of the advance at the top should be governed by the extent to which we could afford to spread elementary education and that 100 new primary schools were, in the then state of most African colonies, a much better investment than a university college or even a secondary school. I sent the article to a leading journal concerned with Colonial education and it was not well received—in fact, it was sent back again with a letter, couched more in sorrow than in anger, from the Editor. Now that I have retired from the Colonial Education Service, it is interesting to me, and perhaps to others, to reconsider the opinions of my youth in the light of additional experience of Northern Rhodesia and some knowledge of conditions in other parts of Africa.

Do I still hold to my original opinion? The answer, I fear, must be one that will convince unofficials of the dangers of a Civil Service training—' Yes and no '. I will deal with the ' no ' part first. There are two reasons why I should hesitate now to endorse fully what I wrote in about the year 1935. One of these reasons is because it *was* 1935, and not 1952, when I wrote—in other words, the spread of elementary education for Africans in Northern Rhodesia during the intervening years has been so great that the provision of facilities for higher education for the cream of the pupils has become essential. The other reason is political; the federation of the Central African territories, and the growth of self-government in Northern Rhodesia has made it imperative that, in order to stop the spread of *apartheid* policies from the south, Africans should become members of Legislative Council, and that, in turn, has rendered it essential that well-educated Africans should be available for election or selection for this body. The growing pressure for self-government from the European section and the large recruitment of that section from a country with such very different ideas of race relations as the Union of South Africa has forced the Colonial Office's hand. Had the conditions under which I wrote my original article continued, it would have been safe—and, in my opinion, wise—to have waited

other ten years before putting Africans into Legislative Council d to have begun by putting them on to Municipal and other local dies first (as should, I think, have been done in any case at least e years ago). The impatience of the Europeans and the spectre m the south have compelled the authorities to plunge the African ematurely into national politics for fear that if they were not t there now, they would never get there. I do not see what else ey could have done, particularly as the spectre from the south is not the only one at the feast—there was also the spectre from hind the Iron Curtain.

The policy of the African Education Department in Northern odesia over the past twenty years has never been expressly rmulated in set terms—and probably wisely! But it may be duced from the figures and facts in its Annual Reports and briefly mmarized as: 'Spread literacy and elementary education as dely as possible; keep further education to a level at which it ll not produce a large semi-educated class for whom there is no ployment and who will be so far ahead of the masses that they e out of sympathy with them.' On the whole, I believe that the epartment, under a succession of exceptionally able Directors, s carried out this policy with remarkable success. What one might ll 'the ordinary ceiling' of higher education has been progressively vanced from Standard IV to Standard VIII without too much stage, friction and frustration, and the availability of elementary ucation has been immensely extended. It is true that there *has* been uch wastage at the lowest end of the scale—a very large number pupils never get beyond Standard A and never become fully erate in the vernacular. My own opinion is that this is inevitable til universal compulsory education can be enforced—I think cent proposals to eliminate it by administrative action are doomed failure—and that, although the pupils may have carried away no ngible (or, shall we say, no examinable?) profit from their school tendance, nevertheless the process has resulted in a stirring up of colic wits which is definitely good. It is not, in my view, a coinci- nce that such a high percentage of the good capitaos and domestic rvants have come from the Eastern Province and Nyasaland, here this system of the widest possible dispersal of (from the rrowly professional point of view) inefficient schools was most veloped. I should add, however, that many of my former lleagues were not in agreement with me on this point.

The chief criticism levelled at African education has always been at its products are 'white-collar' workers only, who refuse to ork with their hands. I have already dealt faithfully with this ngerous half-truth,[1] the parrot-like repetition of which has contri- ted not a little to the low opinion of the mental powers of their low-Europeans held by a regrettably large number of people

[1] J. M. Winterbottom, 'Plain Thoughts on African Education', *Tang. otes and Rec.*, reprinted in *The Central African Post* the same year.

engaged in African education, so I shall say little about it here except to emphasize that, in so far as it is true at all, the remedies for it are two : universal compulsory education, and the development of agriculture and communications to the point at which it is possible for the African to make as good a living growing cash crops in his own village as he can as a clerk, capitao or teacher on the railway line. This still makes it unlikely, however, that a European will be able to get an African Standard VIII garden boy or farm worker for about one-tenth of what he would pay a European of similar qualifications.

In one important particular I do consider that the African Education Department has failed—as, indeed, all Colonial Education Departments have failed, and many European Education Departments have only partially avoided failing. I refer to the African's attitude to education. For nearly all Africans, parents and children, educated and uneducated, schooling is a means of obtaining the qualifications for earning more money. It is not regarded as a means of enabling a man (or woman) to live a richer, fuller and more interesting life; and knowledge for its own sake makes no appeal. This is not surprising; only the day before I wrote this, I myself heard a European schoolchild, in a wireless feature-programme, ask why he should learn two sonnets of Wordsworth by heart when they were not in the Matriculation syllabus, and receive an answer at the same level. I hope he fails, but I fear that he will get a first class pass and become, in due course, an English master teaching others how to get first class passes without appreciating English literature.

To a shoemaker, we are told, there is nothing like leather; and to an educationist, there is nothing like schooling. Well, before the war, Education Officers were urging that Government should set a time-limit (say, ten years) after which no one would be eligible for chieftainship who had not at least passed Standard IV. It will be pointed out (as individual District Officers did point out at the time) that the possession of a Standard IV certificate is no guarantee that a man will make a good chief. No Education Officer ever thought it was. Nor does the possession of an Oxford or Cambridge degree guarantee that a man will make a good District Officer. I know relatively highly-educated Africans who have made bad chiefs and uneducated Africans who have made good chiefs : I also know of an uneducated African who was considered one of the worst chiefs in his district, but who went off on his own initiative to get education and is now regarded as one of the best chiefs. Certainly, a Standard IV certificate is no special qualification for a chief, but the absence of a Standard IV certificate is a strong disqualification for that post in modern times. The reason why the Education Officers pressed (in vain) for the ruling, was because they believed that in tribes with no fixed succession, the result would be to send all possible heirs to school. I still think they were right

o take only one example; in the political sphere, the Government as rightly insisted that an adequate knowledge of English is essential r an African Member of Legislative Council; but the effect is that ıe choice of African Members of Legislative Council is confined to olitically-minded commoners from the towns, men who (through o fault of their own, as I have pointed out above) have had no iministrative experience in local affairs to help them to realize ıe difference between what will work and what will not. This puts premium on demagogues and if the African Members of Legislative ouncil of Northern Rhodesia have so far avoided that fault, the esent state of affairs in the Territory does not encourage any hope ıat such a happy situation will be much prolonged.

I have referred several times to universal compulsory education r Africans. That goal has by no means been achieved yet, despite e tremendous progress that has been made, and the question ight be raised as to whether the country can afford to impose it. a plural society like Northern Rhodesia, however, it is especially ertinent to change the question to the form ' Can the country ford not to do it? ' Even in Europe, where it was usually possible r an able and determined man to rise from class to class, the ossession of the cream by one class and the skim by another used (and still causes) resentment. In a country like Northern hodesia, where the classes are based on skin-colour and ancestry, e possession by one racial group, and that a minority group, of l the cream must create an explosive situation. If the money is not ent on education and other public services, it will have to be spent ı police and prisons and on paying for the results of riots and sabo- ge, as well as on medical services to combat the lack of colour ır shown by diseases. Nor will it be possible, in all probability, to ıange one's mind and avert nemesis once the stage of a police ate has been reached, for racial feeling will then have attained ch a temperature that nothing but a blood bath will cool it. *rès moi, le deluge* has never been considered a sound political olicy. If Northern Rhodesia is to avoid such a deluge, it seems to e that certain lines of policy are essential and one of these is the ogressive raising of the standard of education of all races, including e European. The latter is in a position of prestige which makes e ' poor white ' a menace to the community, while the best safe- ıard against the irresponsible demagogue amongst the Africans is ı educated and informed electorate. Nor is there any time to waste the country is going to get such an electorate before racial tensions ystallize into hatred.

The second line of policy I consider essential is the development cash-crop farming by Africans in those parts of the country which e fitted for it, and as much concentration of the rural African opulation in such areas as can be effected by persuasion and propa- nda. The third line of policy is the resolute facing of the fact that, ot only has the urban African come to stay but that, for many parts

of the country, the sooner the rest of the population follow him in
the industrial areas the better for everybody, because subsisten
agriculture and modern industrialism are incompatable and nothi
can be done for a primitive population with a density of one or tw
persons per square mile. As Schweitzer has remarked, only a high
civilized person can stand up to the wilderness and not degenerat
This third line of policy means, however, that education and, abo
all, social welfare have an immense task of reconstruction to do
the mine compounds and similar places to aid the urban Africa
to develop a morale and ethos suitable for town life and not
degenerate into slum mentality. The obvious spearhead of such a
effort should be the Missions, but I do not think, from what I kno
of their work, that they have made a very impressive start, and
think the Welfare Officers have done a better job. The disadvanta
of that is that the ordinary person, black or white, needs some so
of religion to keep him balanced. The tribal worship of ancestors
inadequate and the Welfare Officers can hardly turn themselves in
Missionaries. It is ironical that the decline of religious enthusias
in Europe should come just at the time Africa has most need
Christianity and the finest advocates of it obtainable—for a thir
rate Missionary is probably worse than useless and, though the
are many earnest, sincere and intelligent men in the Missions to-da
I doubt if we have a Robert Moffat or a Dr. Laws, a Dan Crawfor
or an Edwin Smith, a St. Francis Xavier or a Las Casas in Norther
Rhodesia at the present time.

THE USE OF SOCIAL CASE DRAMA IN TRAINING AFRICAN SOCIAL WORKERS

by

H. H. FERREIRA

THE first full-time social welfare training course for Africans is now being conducted under Government auspices at Ndola. The course finishes in August and will have lasted for twelve months. The students have been recruited from all over the Territory and are, with one exception, employees of various local authorities in the Territory.

Since the standard of education of the students varied from Standard IV to Standard VIII, and was therefore not very high, the problem was early encountered of conveying technical knowledge and the subtleties of case-work technique to a student body whose education and grasp of English, the language of instruction, was limited. It also seemed that most of the students had difficulty in understanding abstract ideas, and some practical way had to be found to bring to them an understanding of case-work concepts—lectures alone, though couched in the simplest terms possible, left the subject still rather remote from the grasp of most students.

Though provision was also made for the students to do the usual practical work in the field, with actual clients referred by a social welfare agency, it was obvious that there was still a gap between the theory of lectures and the practice of investigation and report. In an effort to relate case-work techniques more nearly to the practical experience of the students, it was decided, as an experiment, to supplement lectures and field work with the use of case dramas; and this experiment has proved to be very successful.

A considerable amount of time is now devoted to case drama sessions—each session is of approximately two and a half hours' duration. For each session, one student is selected as a case worker and has to decide what type of case he wishes to present. He has to appoint his fellow students to roles which will fit in with that particular type of case. For example, let us assume the student has chosen juvenile deliquency as his subject. He will, in addition to his child, appoint parents, other relations, magistrate, police, schoolmaster, client's friends, and so on.

Once he has done this, the case worker allows the play to run its course—there is no rehearsal of any description, and each student plays his role in the way he thinks best. The students are usually notified the day before, and sometimes only a few hours before the time, so that there can be no opportunity for rehearsal. As a result, the response of each student is spontaneous, the case worker included.

Having appointed his fellow-students to their roles beforehand the case worker then proceeds at the session as if he is actually dealing with a case, including all the processes of investigation diagnosis and treatment. At the conclusion of the case, each student is given an opportunity to criticize and discuss the case worker's technique and to make constructive suggestions. After everyone has had an opportunity for discussion, the whole case is reviewed, mistakes pointed out and suggestions made for improvement in the technique.

One of the case dramas actually presented by one of the students was the problem of a broken home, where the wife had approached the urban court to obtain a divorce. The urban court referred the woman to the welfare officer with a view to effecting a reconciliation. The characters appointed by the case worker were the client (the aggrieved woman), her husband, the client's uncle (matrilineal), husband's friend, and urban court assessors.

The case worker explained that the woman had approached the urban court because her husband did not provide her with sufficient money for food and clothing, and because he left his wife alone at nights and did not return until the early hours of the morning. The case opened with the client being interviewed by the court assessors who decided to send her to see the welfare officer. The client and her husband were accompanied by a court messenger and duly arrived at the case worker's office. The client's husband was very suspicious of the case worker and could not understand why the urban court had referred this matter to a welfare officer of whose functions in the social milieu he knew absolutely nothing. The case worker explained to the couple that the welfare department operated differently to the urban court and that social workers were there to help people who could not agree. The husband was not impressed however and, ordering his wife to follow him, he walked out of the worker's office.

The social worker's next action was to go to the urban court assessors to inform them that the client had left with her husband who refused to discuss his affairs with the social worker. The assessors immediately ordered the husband and wife to appear before them and reprimanded the couple, saying that if they did not obey the court's instructions they were liable to be imprisoned. The couple were told to see the welfare officer and to do anything he asked them to do. The client's husband, who evidently did not want the marriage to break up, was then interviewed by the case worker, who told him that he was not connected with the urban court. The husband kept on saying that he was afraid of what the case worker would do next, as he had already reported him (the husband) to the assessors, which had resulted in their threatening him with imprisonment.

This interview had taken place at the client's home, at the request of the husband. The social worker then asked to talk to the client

nd proceeded to ask her when she had married her husband, hether they had had any children, and why she wanted to leave er husband. The client merely said she was going to leave her usband and would return to the urban court the next day.

By this time it was the morning of the third day after the case ad been referred to the social worker. At this stage the worker ad his third interview with the client's husband, who had now ecome more co-operative and was inclined to speak more freely. n the course of this interview it came out that the husband was fond f dancing and gambling, and that it was in these pursuits that he nd his friend spent most of their evenings.

The social worker then made an appointment to see his client at er home at 2 p.m. the same day. In the meantime, he announced hat he was going to see the client's maternal uncle and aunt, saying hat it was clear to him that the main cause of this family's maladjustıent was the fact that the husband did not provide the client with ufficient money for food and clothing.

The case worker went to the home of the client's maternal relatives nd found the aunt at home. He explained to the aged aunt, who ad only arrived from her rural village a few days before, that he was social worker employed in the welfare centre in the location. He then said : ' Do you know about your daughter's case? ' The unt was highly suspicious of this young man and refused to tell ıim anything, saying he should return when her husband was at ıome. Finding that he could get no further, the case worker nnounced that it was 3 o'clock and that he now going to see the riend of his client's husband. The case worker proceeded to uestion this friend about the husband's activities on the occasions vhen he went out with his friend. He learned that the husband was keen gambler and that he always gave his wife a share of his winıings.

At this stage, about 4.30 p.m., the case worker announced that he vould now proceed to his client's home for the interview which he ıad arranged for 2 p.m. On his arrival there, the client and her ıusband both commented on his belated arrival, which he passed)ff nonchalantly. During the course of this interview, the case vorker discovered that his client was in the habit of brewing beer llicitly during her husband's absence from home. The worker varned the client not to continue this practice, because of the strong ikelihood of her being detected. The worker then left, saying he vould see his client again.

The next day the social worker interviewed the client's husband nce again. It soon became apparent that the husband was much nore co-operative, and he told the case worker confidentially that ıe had a fairly substantial bank account and that it was his practice o put £4 of his monthly salary of £6 into the bank. The remaining :2 he gave to his wife. He was very concerned, however, that his vife should not know about this bank account, as he said all women

were the same, and spent their husband's money recklessly as soo as it was given to them. The husband then said that he was prepare to act on any suggestion that the case worker might make. Durin the same day the case worker interviewed the client again, and dis cussed with her the possibility of her joining the knitting class hel at the welfare centre. He said that she would obtain great benef from attending these classes, and would find congenial compan there.

The social worker then announced that this was as far as he in tended to go for the present with his investigation, and that he wa now in a position to make his diagnosis of the problem. He sai that, in his view, the main cause of the problem was the fact that th husband did not give the wife sufficient money for her needs. H added that he would follow up the case to see if any other factors wer involved. The case worker then outlined his treatment programme saying that his first duty would be to obtain more lucrative employ ment for the client's husband, and secondly that he would encourag the client to attend the working class he had discussed with her This concluded his presentation of the case, and the fellow student were asked to comment on the handling of the case.

The first criticism made was that the case had taken too long, th student concerned saying that he thought the client would long ag have returned to the urban court to inform the assessors that th welfare officer had not been able to assist her. Another point mad was that the case worker had neglected to investigate possibl causal factors other than the husband's not giving the wife sufficien money. The speaker said that the case worker should have ascer tained from the wife, through conversation with her, possible cause for the husband's frequent absences from home. Another speake said that he doubted the wisdom of advising the client's husband t obtain other employment when he knew that his present employ ment was congenial and brought in sufficient money to cater fo the family's needs. This speaker suggested that it would have bee better to advise the husband how to spend his present income mor judiciously.

A further criticism was that the case worker spent too much tim on asking irrelevant questions, and that no real progress was mad in the interviews with either the client or her husband.

Another student's comment was that the case worker made a mistake when—after seeing the client and her husband for the firs time—he went to the urban court assessors to ask them to contac the client and her husband. This had antagonized the client's husband particularly, and the speaker felt that a better course would have been to obtain the client's address from the urban court and the n to visit the client and her husband on his own accord. Several speakers criticized the case worker's approach to the client's materna uncle's wife, saying that this old woman, who had only a few days before arrived from the village, would certainly not know what a

social worker was (even if told). The aunt was naturally very suspicious and could not be expected, under the circumstances, to be of any assistance to the case worker.

In the review of the case presented, it was pointed out that in his first interview with the client's husband, the case worker should have made immediate use of the fact that the husband did not want his home broken up, in order to gain his co-operation and confidence. It was also pointed out that the case worker's immediate problem was to persuade the client not to leave her husband, at least until the case worker had had an opportunity to ascertain whether reconciliation was in fact possible, and that the case worker's obvious neglect of this aspect was a grave weakness. What would have happend in practice, was that the woman would have returned to the urban court mystified by the interview she had had with the case worker, and the urban court would have acknowledged this as a failure on the part of the welfare officer. The case worker would have lost the opportunity of helping the couple, and the cause of social work would have been prejudiced in the eyes of an unofficial body whose co-operation was very valuable.

The case worker should, early on in his interviews with both client and her husband, have got down to the root causes of the problem, and would then have been able, in a relatively short space of time, to give supportive therapy and clarification. The case worker's discussion with the husband's friend was criticized because the information he solicited covered intimate details of the husband's life—this revealed very questionable taste and the manner in which the interview was conducted savoured of spying on the client's husband.

The case worker's attention was drawn to the unreliability he showed by making an appointment for 2 p.m. and then arriving at 4.30 p.m. without any convincing reason for his delay, or any effort to advise the client that he would be late. He had warned the client against illicit beer-brewing because she might be detected, whereas a better approach would have been to suggest to her at this stage that she should join the knitting class and learn to knit, to supplement her income in a more acceptable fashion than by beer-brewing. As it was, his suggestion that the client should join the knitting class was not related to any part of the problem and his reasons given her for joining the class were unconvincing.

The client's husband had said that he was prepared to act on any suggestion of the case worker regarding the disbursement of his income, yet the case worker closed this interview without making any use of the husband's readiness to participate in a plan of action for the future. Neither did he use the opportunity to point out to the husband that although gambling might sometimes bring him gains, it also brought financial losses and made his income unstable.

These criticisms supplemented the students' own criticisms of the case drama, and since it had become obvious from the handling

of the case that the case worker was trying to follow his lecture notes slavishly by asking detailed questions about dates of birth and marriage, and was not thinking sufficiently about the particular needs and problems of the case he was dealing with, it was emphasized to the students, in the review, that each case must always be treated on its merits. They were reminded that in their lectures they had been told that investigation and treatment in social work is elastic, allowing individual handling of each case.

This case drama method, then, has been found to be most effective to illustrate a social worker's technique in all phases of his dealings with his client. Any deficiency in a student's technique is immediately brought to light in such a way that the other students are able to see the mistakes clearly, and are then *themselves* able to point out these mistakes to the social worker.

The case drama has a further advantage in that it requires each student to place himself, not only in the role of case worker, where he can apply his knowledge of case work procedures, but in the roles of people he will have to deal with in actual case work. He is required to fill the roles, alternately, of client, relative, friend, employer, policeman, etc., and he gains, in this way, a very valuable insight into the thought processes, the feelings and the motives, of people with whom he will have to deal. He begins to realise how their ignorance of social work can make them suspicious or uncooperative, he knows what prejudice has to be overcome in order to gain co-operation, and he learns how advantageous it is to imagine himself in another person's position, to gain insight into his thoughts and emotions.

The therapeutic value of free dramatization in children's play has long been recognized as a means of identifying and releasing agression. In the training of social workers the same principle applies. Each student participates in each case and his reactions and his ability both to handle a case and to recognize technique weaknesses can be assessed. This method is therefore a useful guide in gauging the student's personality structure through noting his reactions to the various situations arising in the course of each case.

It is not known to what extent the case-drama method has been used elsewhere in the training of social welfare students, but the present course at Ndola has shown how extremely valuable it can be in the training of African social science students, with their particular limitations of education and language.

There appears to be no reason why the case-drama method should not be used in all case-work training, in view of its graphic demonstration of case-work concepts, its immediate pointing-out of practical difficulties which arise in an investigation, and its great value in displaying the individual student's handicaps and abilities.

NOTE

NEW APPOINTMENTS TO THE RHODES-LIVINGSTONE INSTITUTE RESEARCH STAFF

Two new research officers on the staff of the Rhodes-Livingstone Institute arrived in Northern Rhodesia in 1952. They were Mr. W. Watson who is to make a study of the Mambwe and the Lungu peoples of Abercorn District, and Mr. J. van Velsen who is to make a study of the Lakeside Tonga peoples in Nyasaland.

Mr. Watson, who was born in 1917, joined the Royal Air Force in 1938 and served as a navigator until 1946. During operations in Europe and the Mediterranean he was awarded the D.F.C. and Bar. After the war he went up to Jesus College, Cambridge, and read English and Anthropology. Between 1948 and 1951, he made a study of a coal-mining community in Scotland, the results of which have been embodied in a thesis for the degree of M.Sc. (Cantab.) and will be published in book form in the near future.

Mr. van Velsen was born in the East Indies in 1921. During the latter part of the war he served with the Netherlands Navy. After the war he studied at the University of Utrecht where he took a Law degree in 1947. He went up to Oxford for further studies in anthropology where in 1950 he submitted a thesis on primitive law for a B.Sc. degree. Since 1951 Mr. van Velsen has been at Manchester preparing a monograph on the Ndebele as a section of the Ethnographic Survey of Africa sponsored by the International African Institute. This report is to be published in the near future.

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